UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,051	08/21/2003	Ea-Ee Jan	YOR920030391US1	6542

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EXAMINER
ESCALANTE, OVIDIO

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		10/645,051	JAN ET AL.
		Examiner	**Art Unit**	
		Ovidio Escalante	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _02 March 2006_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-27_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-27_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to applicant's response filed on March 02, 2006. **Claims 1-27**

are now pending in the present application.

2.   The Art Unit designation of this application has been changed to Art Unit 2614. Please

make this change in any future response.

Continued Examination Under 37 CFR 1.114

3.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on March 2, 2006 has been entered.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness
       or nonobviousness.

6.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7.   Claims 1-3, 6-12, 15-21 and 24-27 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kuhn et al. US Patent 6,119,087 in view of Nightingale US patent 6,876,941

        Regarding claims 1, 10 and 19, Kuhn teaches a voice processing system, (abstract),

comprising:

        a task routing system (102), (fig. 2; col. 2, lines 27-33,52-62); and

        a plurality of task servers (108 resource managers) connected to the task routing system

through a data network, (col. 3, lines 47-53), the task servers comprising a plurality of engines

(recClients 104) of a plurality of types for processing voice input, (col. 2, line 52-col. 3, line

10,42-53); and

        wherein the task routing system determines characteristics of the voice input and selects a

set of the plurality of engines to process incoming voice input based on the determine

characteristics of the voice input and on the types of engines, (col. 3, lines 43-53; col. 4, lines 49-

64).

        While Kuhn teaches of selecting a specific engine based on voice characteristics, Kuhn

doe not specifically teach a configuration file comprising a record of a configuration of sets of

the plurality of engines. However, the Examiner notes that it would have been obvious that Kuhn would have such a configuration file since configuration files are well known in the art to contain information that will allow the processing system to know what to select for processing information. In this case the Kuhn would have a configuration file since the processing system of Kuhn is able to select a specific engine based on the given parameter.

Nonetheless, it the same field of endeavor, Nightingale teaches that it was well known in the art to have a configuration file comprising predetermined parameters which identifying the type of devices that are in the system, (abstract). The configuration file comprises information that will allow the system to deploy a configuration engine to test system devices, (col. 3, lines 10-25). Thus, it is clear to one of ordinary skill in the art that configuration files are widely used to store information on what device/engines are in the system so that the processing system can perform the required duties based on the information received from the file.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kuhn to include a configuration file so that the system can determine which engine performs what duty and thus can select the correct engine.

Regarding claims 2,11 and 20, Kuhn, as applied to claims 1 and 10, teaches wherein the parameter settings for each type of engines differ from other types of engines, (col. 3, lines 43-53; col. 4, lines 49-64).

Regarding claim 3,12 and 21, Kuhn, as applied to claims 1, 10 and 19, teaches wherein the parameter settings comprise a plurality of grammar types, (col. 4, lines 51-54).

Regarding claim 6,15 and 24, Kuhn, as applied to claims 1, 10 and 19, teaches wherein the parameter settings comprise a plurality of model size, (abstract; col. 4, lines 6-33).

Regarding claim 7,16 and 25, Kuhn, as applied to claims 1, 10 and 19, teaches wherein the parameter settings comprise voice types, (abstract; col. 4, lines 6-31).

Regarding claim 8,17 and 26, Kuhn, as applied to claims 1, 10 and 19, teaches wherein the parameter settings comprise user population, (col. 4, lines 57-61).

Regarding claim 9,18 and 27, Kuhn, as applied to claims 1, 10 and 19, teaches wherein the task routing system updates the parameter settings based on usage statistics, (col. 4, lines 57-61).

8.   Claims 4,5,13,14,22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn in view of Nightingale and further in view of Gandhi et al. US Patent Pub. 2004/0015351.

Regarding claims 4,5,13,14,22 and 23, while Kuhn and Nightingale, as applied to claims 1, 10 and 19, teaches of various parameter settings, Kuhn does not specifically teach wherein the parameter settings comprises a plurality of accuracy readings or acoustic models.

In the same field of endeavor, Gandhi teaches of a task and voice-processing system in which tasks are assigned based on parameters in which the parameters comprise a plurality of accuracy readings, (paragraphs 0009, 0034) and a plurality of acoustic models, (paragraphs 0005,0007,0025,0030).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kuhn to include accuracy readings and acoustic models so that the task server can assign the incoming task to the engine that will provide the best accuracy and models for processing the voice.

Response to Arguments

9.   Applicant's arguments with respect to claims **1-27** have been considered but are moot in

view of the new ground(s) of rejection.

10.   While Applicant arguments are moot in view of new grounds of rejection, the Examiner

will respond to Applicant's arguments regarding the Kuhn reference.

Applicant argues that the resource managers of Kuhn are not a task server and are not

comprised of a plurality of engines for processing voice input since the resource managers of

Kuhn are stand-alone entities which are notified of incoming utterances by the RecClients,

consult tables and tell the RecClients where to send the incoming utterances. The Examiner

respectfully disagrees.

While the Examiner agrees that the resource manager appears to be a separate entity than

the RecClients, the claims merely state that the task server comprises the engines and thus does

not state that the engines are within the server or stored in the server itself. Since the resource

manager directly communicates with the RecClient the Examiner believes that given the broad

scope of the claim then the resource manager can comprise the RecClient.

Applicant further states that the RecClients are not "engines of a plurality of types for

processing voice input" since the RecClients are simply routes which receive the incoming

utterances and direct them to RecServers based on input from the resource managers. The

Examiner respectfully disagrees.

Since different RecClients are chosen based on the type of grammar contained in the

incoming voice input then each RecClient has a distinct type of grammar processing and thus the

RecClients are "engines of a plurality of types" as shown in the claims.

Conclusion

11.   Any response to this action should be mailed to:

>   Commissioner for Patents
>   P.O. Box 1450
>   Alexandria, Virginia 22313-1450

>   or faxed to:

>   (571) 273-8300, (for formal communications intended for entry)

>   Or:
>   (571) 273-7537, (for informal or draft communications, please label
>   "PROPOSED" or "DRAFT")

>   Hand-delivered responses should be brought to:

>   Customer Service Window
>   Randolph Building
>   401 Dulany Street
>   Alexandria, VA 22314

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ovidio Escalante whose telephone number is 571-272-7537. The

examiner can normally be reached on M-Th from 6:30AM to 4:00PM. The examiner can also be

reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan S Tsang can be reached on 571-272-7547. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ovidio Escalante
Primary Patent Examiner
Group 2614

**OVIDIO ESCALANTE.
PATENT EXAMINER**

May 4, 2006

O.E./oe